

UNDERSTANDING SMALL CLAIMS COURT

A Quick Reference Guide



MARIETTA MUNICIPAL COURT

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This guide is partially based upon the Ohio Judicial Conference’s “Small Claims Court: A Citizens Guide” which is available for download from the organization’s website. Where wording is borrowed from that publication, all rights are reserved by that organization.

Introduction

Why do I need this Guide? What's Small Claims Court?

What is this guide for?

In the pages that follow, you will find general information about the procedures involved in pursuing a judgment in Small Claims Court. This guide is meant to provide you with a working knowledge of what options are available to you as a party in a Small Claims suit. It is **NOT** meant to tell you what you must or should do in your particular case. The Marietta Municipal Court cannot give you legal advice; its staff is prohibited from doing so by law. If you feel at any time that you need legal advice about your situation, you should consult an attorney.

What is the purpose of Small Claims Court?

Small Claims Courts are meant to provide a relatively quick, informal, and inexpensive way to resolve disputes that are too minor to merit the expense of a regular civil suit. Procedures are less complex than in other court cases. There is no jury, hearings are informal, the Magistrate decides cases, and court costs are generally lower.

What about attorneys?

Everyone has a right to hire an attorney. It is helpful to be represented by an attorney, but the benefit should be weighed against the cost. A brief office conference with an attorney may be worth the expense. However, most parties in Small Claims Court appear without an attorney.

BEFORE YOU FILE A SMALL CLAIMS CASE

The Court Suggests You Try to Settle Your Dispute by Sending the Other Party a Letter:

- ✓ Send the letter by certified mail
- ✓ Make it as elaborate or as simple as you think is necessary
- ✓ Set forth the basic facts of your claim
- ✓ Include the sum of money you want

As a result, the other party may pay the claim or offer an acceptable settlement.

Can I File My Case in Small Claims Court?

Types of Disputes Generally Heard in Small Claims Court

- Claims for minor damages
- Claims by businesses for unpaid bills
- Damages for defective merchandise
- Claims for unpaid wages
- Breach of warranty
- Repair problems
- And many others....

There are a few general rules that limit the types of cases that can be filed in Small Claims Court:

1. The claim must be for **MONEY ONLY**.
2. No claim (including counter or cross claims) can exceed **\$6,000.00** (not including interest and/or court costs).
3. There are some types of lawsuits that cannot be filed in Small Claims Court regardless of the amount requested. Lawsuits based on libel, slander, and malicious prosecution; seeking the return of